

Docket No. 740756-000875

Application No. 08/065,757

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REMARKS

The Examiner's Office Action of March 29, 2005 has been received and its contents reviewed. Applicant would like to thank the Examiner for the consideration given to the above-identified application, and Applicant notes with appreciation the indication of allowance of claims 6, 8, 10, 11, 18-20 and 22.

Prior to this Amendment, claims 6, 8, 10, 11, 18-20, 22-26 and 31-34 were pending. By this amendment, claims 23-26 and 31-34 have been cancelled, and new claims 39-44 have been added. Accordingly, claims 6, 8, 10-11, 18-20, 22 and 39-44 are pending for consideration in the present application, of which claims 6, 8, 10, 11, 18-19, 39-44 are independent.

Referring now to the detailed Office Action, specifically with respect to the second paragraph, page 2 of the detailed Office Action, the Examiner noted that the LePage article and the Chemical Abstract citation in the IDS filed April 22, 2004 failed to comply with 37 CFR 1.98(a)(2). In response, Applicant is in the process of obtaining legible copies and will forward same to the Examiner.

Claims 23-26 and 31-34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserted that due to her interpretation of the phrases "along which a superconducting carrier flows" and "superconductivity results from electrons in the layer-like structure" as having the same meaning, claims 31-38 are duplicates of claims 23-26. Still further, claims 23-26 and 31-34 stand rejected under 35 U.S.C. §102(e) as clearly anticipated by Batlogg et al. (U.S. Patent 6,638,894; U.S. Patent 6,635,603; or, U.S. Patent 6,630,425 – all of which are referred to as Batlogg hereafter). Further, claims 23-26 and 31-34 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-11 and 15-22 of co-pending Application No. 07/859,254.

In response to the rejections, and in the interest of expediting the allowance of this application, Applicant has cancelled rejected claims 23-26 and 31-34, as shown above, without prejudice or disclaimer to the subject matter disclosed therein. Applicant reserves the right to file a divisional application to claim the subject matter of the cancelled claims. Accordingly, the rejections of claims 23-26 and 31-34 are rendered as moot.

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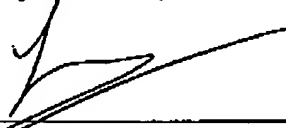
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New claims 39-44 have been added to further complete the scope of the invention to which Applicant is entitled. Claims 39-44 includes features of claims 6, 8, 10-11 and 18-19.

In view of the arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of all the pending rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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